

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT

_____ VENTURE GLOBAL PLAQUEMINES LNG, LLC _____)))	DOCKET NO. 24-33-LNG
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ORDER GRANTING BLANKET AUTHORIZATION
TO EXPORT LIQUEFIED NATURAL GAS PREVIOUSLY IMPORTED FROM FOREIGN
SOURCES TO FREE TRADE AGREEMENT NATIONS, AND AUTHORIZING
SMALL-SCALE EXPORTS OF LIQUEFIED NATURAL GAS

DOE/FECM ORDER NO. 5143

JULY 11, 2024

I. INTRODUCTION

On April 22, 2024, Venture Global Plaquemines LNG, LLC (Plaquemines LNG) filed an Application¹ with the Department of Energy's (DOE) Office of Fossil Energy and Carbon Management (FECM) under section 3 of the Natural Gas Act (NGA),² and supplemented the Application on May 1, 2024.³ Plaquemines LNG requests authorization to export liquefied natural gas (LNG) previously imported into the United States from foreign sources in a volume equivalent to 6 billion cubic feet (Bcf) of natural gas on a cumulative basis for a two-year period commencing on the earlier of July 22, 2024, or the date of an order granting the requested authorization.⁴ Plaquemines LNG seeks to export this LNG by vessel from the Plaquemines LNG Terminal (Terminal or Project), which is currently under construction in Plaquemines Parish, Louisiana.⁵

Plaquemines LNG seeks to export this LNG to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy.⁶ This includes both countries with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries),⁷ and any other country with which trade is not prohibited by U.S. law or policy (non-FTA countries).⁸

¹ Venture Global Plaquemines LNG, LLC, Application for Blanket Authorization to Export Previously Imported Liquefied Natural Gas, Docket No. 24-33-LNG (Apr. 22, 2024) [hereinafter App.].

² 15 U.S.C. § 717b. The authority to regulate the imports and exports of natural gas, including LNG, under section 3 of the NGA has been delegated to the Assistant Secretary for FECM in Redelegation Order No. S4-DEL-FE1-2023, issued on April 10, 2023.

³ Email from J. Patrick Nevins, Counsel for Venture Global Plaquemines LNG, LLC, to Amy Sweeney, DOE, Supplement to Correct Error in Application, Docket No. 24-33-LNG (May 1, 2024) (correcting volume equivalent).

⁴ App. at 1, 7, 9, 12.

⁵ *Id.* at 1.

⁶ *Id.* at 2, 7-8.

⁷ 15 U.S.C. § 717b(c). The United States currently has FTAs requiring national treatment for trade in natural gas with Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore. FTAs with Israel and Costa Rica do not require national treatment for trade in natural gas.

⁸ *Id.* § 717b(a).

Plaquemines LNG states that it seeks the authorization solely to export LNG previously imported by vessel at the Terminal from foreign sources.⁹ Plaquemines LNG is requesting this authorization on its own behalf and as agent for other entities that hold title to the LNG at the time of export.¹⁰

In this consolidated Order, DOE grants Plaquemines LNG's Application, as supplemented, and authorizes the requested export of previously imported LNG in a volume equivalent to 6 Bcf of natural gas on a cumulative basis over the requested two-year period. This volume is authorized for export on a non-additive basis to both FTA and non-FTA countries.

Specifically, DOE finds that the FTA portion of the Application falls within NGA section 3(c), and we therefore grant the requested FTA authorization without modification or delay.¹¹

As to the proposed non-FTA exports, Plaquemines LNG states that the exports would qualify as "small-scale natural gas exports" under DOE's regulations, and therefore should be deemed to be consistent with the public interest under NGA section 3(a).¹² As discussed below, DOE agrees that the proposed non-FTA exports of previously imported LNG qualify as "small-scale natural gas exports" under the criteria set forth in 10 C.F.R. § 590.102(p). Accordingly, we grant the small-scale portion of the Application under 10 C.F.R. § 590.208(a).

II. BACKGROUND

Applicant. Plaquemines LNG is a Delaware limited liability company with its principal place of business in Arlington, Virginia. Plaquemines LNG is a wholly-owned, indirect subsidiary of Venture Global LNG, Inc. (Venture Global), a privately-held Delaware corporation

⁹ App. at 2.

¹⁰ *See id.*

¹¹ 15 U.S.C. § 717b(c).

¹² *See* App. at 12-13; 10 C.F.R. §§ 590.102(p), 590.208(a); *see also* U.S. Dep't of Energy, Small-Scale Natural Gas Exports; Final Rule, 83 Fed. Reg. 35,106 (July 25, 2018) [hereinafter Small-Scale Rule].

with the same principal place of business as Plaquemines LNG.¹³ Venture Global, in turn, is a wholly-owned subsidiary of Venture Global, Inc. (VG), a Delaware company with its principal place of business also in Arlington, Virginia.¹⁴

Plaquemines LNG states that approximately 84 percent of the common equity and voting power of VG is owned by Venture Global Partners II, LLC, also a Delaware limited liability company with the same principal place of business. Venture Global Partners II, LLC, in turn, is 50 percent owned and controlled by each of the two founders of Venture Global: Michael A. Sabel and Robert B. Pender.¹⁵ Funds managed and/or controlled by Pacific Investment Management LLC (PIMCO) own approximately 15.1 percent of the common equity in VG, and thus own an equivalent ownership interest in Plaquemines LNG.¹⁶ Additional detail regarding the ownership of Plaquemines LNG is provided in the Application.

Procedural History. Plaquemines LNG currently holds the following long-term authorizations to export LNG from the Terminal:

- DOE/FE Order No. 3866, as amended, authorizing the export of domestically produced LNG in a volume equivalent to 1,405.33 Bcf/yr of natural gas to FTA countries for a term extending through December 31, 2050;¹⁷ and
- DOE/FE Order No. 4446, as amended, authorizing the export of domestically produced LNG in a volume equivalent to 1,240 Bcf/yr of natural gas to non-FTA countries for a term extending through December 31, 2050.¹⁸

¹³ App. at 3.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Venture Global Plaquemines LNG, LLC*, DOE/FE Order No. 3866, Docket No. 16-28-LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Plaquemines LNG Terminal in Plaquemines Parish, Louisiana, to Free Trade Agreement Nations (July 21, 2016), *amended by* DOE/FE Order No. 3866-A (Oct. 21, 2020) (extending export term), *further amended by* DOE/FECM Order No. 3866-B (June 13, 2022) (increasing export volume).

¹⁸ *Venture Global Plaquemines LNG, LLC*, DOE/FE Order No. 4446, Docket No. 16-28-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Oct. 16, 2019), *amended by* DOE/FE Order No. 4446-A (Oct. 21, 2020) (extending export term). The non-FTA portion

These FTA and non-FTA export volumes are not additive to one another.¹⁹

Additionally, on June 14, 2024, DOE issued DOE/FECM Order No. 5126, authorizing Plaquemines LNG to import LNG from various international sources by vessel in a total volume equivalent to 6 Bcf of natural gas for a two-year term commencing on June 14, 2024, and extending through June 13, 2026.²⁰ Under the terms of that authorization, Plaquemines LNG may import the LNG at any LNG receiving facility in the United States and its territories.²¹

III. DESCRIPTION OF REQUEST

Plaquemines LNG requests a short-term blanket authorization to export LNG that has been previously imported into the United States from foreign sources for a two-year period commencing on the earlier of July 22, 2024, or the date of an order granting the requested authorization.²² Plaquemines LNG seeks to export this LNG from the Terminal to FTA and non-FTA countries, both on its own behalf and as an agent for other entities.²³

In support of this request, Plaquemines LNG states that, as part of the start-up of its Terminal facilities, the Terminal facilities will need to be cooled down for cryogenic operations.²⁴ According to Plaquemines LNG, it “has determined that the optimal method for this part of the start-up of its Terminal facilities is to import foreign sourced LNG by vessel,” and that “it may receive up to three LNG carrier cargoes for this purpose.”²⁵

of Plaquemines LNG’s Amendment Application, asking DOE to amend Order No. 4446 to increase its approved non-FTA export volume from 1240 Bcf/yr to 1405.33 Bcf/yr of natural gas, is still pending. *See* App. at 6.

¹⁹ App. at 5-6.

²⁰ *Venture Global Plaquemines LNG, LLC*, DOE/FECM Order No. 5126, Docket No. 24-32-LNG, Order Granting Blanket Authorization to Import Liquefied Natural Gas from Various International Sources by Vessel (June 14, 2024).

²¹ *Id.*

²² App. at 1-2, 7.

²³ *Id.* at 2, 8.

²⁴ *Id.* at 7.

²⁵ *Id.*

Plaquemines LNG states that it will comply with all DOE requirements for exporters and agents.²⁶ Plaquemines LNG further states that, when acting as agent, it will register with DOE each LNG title holder for which it seeks to export LNG as agent, and will comply with other registration requirements as set forth in recent DOE orders.²⁷

Plaquemines LNG adds that the requested authorization does not involve the construction of any new or additional facilities, nor any physical modification to the Terminal or its operations.²⁸

IV. STANDARD OF REVIEW

A. FTA Authorization

Section 3(c) of the NGA was amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486). In relevant part, applications to export natural gas, including LNG, to countries with which there is a FTA in effect requiring national treatment for trade in natural gas “shall be deemed to be consistent with the public interest” and granted “without modification or delay.”²⁹

B. Small-Scale Authorization

DOE defines a “small-scale natural gas export” as an export of natural gas, including LNG, to a non-FTA country that meets the following two criteria:

- (1) The application proposes to export natural gas in a volume up to and including 51.75 billion cubic feet per year, and
- (2) DOE’s approval of the application does not require an environmental impact statement (EIS) or an environmental assessment (EA) under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*³⁰

²⁶ *Id.* at 8.

²⁷ *See id.*

²⁸ App. at 1.

²⁹ 15 U.S.C. § 717b(c).

³⁰ 10 C.F.R. § 590.102(p).

Small-scale natural gas exports are deemed to be consistent with the public interest under NGA section 3(a).³¹ Therefore, DOE will issue an export authorization upon receipt of a complete application to conduct small-scale natural gas exports.³²

V. DISCUSSION AND CONCLUSIONS

A. FTA Authorization

We find that the FTA portion of Plaquemines LNG's Application, as supplemented, falls within NGA section 3(c), and therefore we grant the requested FTA authorization without modification or delay.³³

B. Small-Scale Authorization

As Plaquemines LNG observes, small-scale authorizations typically involve exports of domestically produced natural gas (including LNG).³⁴ However, the two criteria for small-scale natural gas exports identified in 10 C.F.R. § 590.102(p) (and set forth above) do not include a requirement regarding the *source* of small-scale exports of natural gas. Therefore, DOE has found that exports of LNG previously imported into the United States from foreign sources may qualify as small-scale exports, provided that the two criteria set forth in 10 C.F.R. § 590.102(p) are met.³⁵

Applying the criteria to the non-FTA portion of the Application, we find that the requested authorization meets the criteria for small-scale exports of LNG. First, Plaquemines

³¹ *Id.* § 590.208(a).

³² *Id.*; *see also* Small-Scale Rule, *supra* note 12.

³³ DOE further finds that the requirements for public notice of applications and other hearing-type procedures in 10 C.F.R. Part 590 are applicable only to applications seeking to export natural gas, including LNG, to non-FTA countries (other than applications for small-scale exports of natural gas, *see* 10 C.F.R. § 590.208(a)).

³⁴ *See* App. at 12 (Plaquemines LNG raising whether DOE's small-scale regulations apply to previously imported LNG from foreign sources, in addition to domestically produced LNG).

³⁵ *See Carib Energy (USA) LLC*, DOE/FECM Order No. 5114, Docket No. 24-5-LNG, Order Granting Blanket Authorization to Export Liquefied Natural Gas Previously Imported from Foreign Sources and Liquefied Natural Gas Received from Domestic Sources to Free Trade Agreement Nations, and Authorizing Small-Scale Exports of Liquefied Natural Gas, at 10 (Apr. 5, 2024) (Ordering Para. A).

LNG requests authority to export LNG previously imported into the United States from foreign sources to non-FTA countries in a volume equivalent to 6 Bcf of natural gas on a cumulative basis over a two-year term. This equates to 3 Bcf/yr, which is within the 51.75 Bcf/yr limit in the regulation. Second, DOE’s National Environmental Policy Act (NEPA) procedures provide for a categorical exclusion if neither an EIS nor an EA is required—specifically, categorical exclusion B5.7 (10 C.F.R. Part 1021, Subpart D, Appendix B5), *Export of natural gas and associated transportation by marine vessel*.³⁶ On July 10, 2024, DOE issued a categorical exclusion for the non-FTA portion of Plaquemines LNG’s Application, as supplemented, under this provision.³⁷

Accordingly, pursuant to 10 C.F.R. § 590.208(a), the proposed small-scale exports of previously imported LNG from foreign sources are deemed to be consistent with the public interest under NGA section 3(a), and DOE grants the requested authorization.

VI. FINDINGS

Based on the findings and conclusions herein, DOE grants the Application, as supplemented, subject to the Terms and Conditions and Ordering Paragraphs set forth below.

VII. TERMS AND CONDITIONS

A. Term of the Authorization

Plaquemines LNG requests that its FTA and small-scale non-FTA authorizations commence on the earlier of July 22, 2024, or the date of an order granting the requested authorization, and extend for a two-year period.³⁸ Accordingly, this Order is effective on July 11, 2024, and will extend through July 10, 2026.

³⁶ See 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7. This categorical exclusion amended the prior B5.7 categorical exclusion. See U.S. Dep’t of Energy, National Environmental Policy Act Implementing Procedures; Final Rule, 85 Fed. Reg. 78,197 (Dec. 4, 2020).

³⁷ U.S. Dep’t of Energy, Categorical Exclusion Determination, Venture Global Plaquemines LNG, LLC, Docket No. 24-33-LNG (July 10, 2024).

³⁸ App. at 1-2, 7.

B. FTA Countries for FTA Authorization

The countries with which the United States has a FTA requiring national treatment for trade in natural gas are currently: Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore.

C. Transfer, Assignment, or Change in Control

DOE's natural gas regulations prohibit authorization holders from transferring or assigning authorizations to import or export natural gas without specific authorization by the Assistant Secretary for Fossil Energy and Carbon Management.³⁹ DOE has found that this requirement applies to any change in control of the authorization holder. This condition was deemed necessary to ensure that DOE will be given an adequate opportunity to assess the public interest impacts of such a transfer or change.

DOE construes a change in control to mean a change, directly or indirectly, of the power to direct the management or policies of an entity, whether such power is exercised through one or more intermediary companies or pursuant to an agreement, written or oral, and whether such power is established through ownership or voting of securities, or common directors, officers, or stockholders, or voting trusts, holding trusts, or debt holdings, or contract, or any other direct or indirect means.⁴⁰ A rebuttable presumption that control exists will arise from the ownership or the power to vote, directly or indirectly, 10% or more of the voting securities of such entity.⁴¹

³⁹ 10 C.F.R. § 590.405.

⁴⁰ See U.S. Dep't of Energy, Procedures for Changes in Control Affecting Applications and Authorizations to Import or Export Natural Gas, 79 Fed. Reg. 65,541, 65,542 (Nov. 5, 2014).

⁴¹ See *id.*

D. Agency Rights

Plaquemines LNG requests authorization to export LNG on its own behalf and as agent for other entities that hold title to the LNG at the time of export. DOE previously has determined that, in LNG export orders in which Agency Rights have been granted, DOE shall require registration materials filed for, or by, an LNG title-holder (Registrant) to include the same company identification information and long-term contract information of the Registrant as if the Registrant had filed an application to export LNG on its own behalf.⁴²

To ensure that the public interest is served, this authorization requires that, where Plaquemines LNG proposes to export LNG as agent for other entities that hold title to the LNG (Registrants), it must register those entities with DOE in accordance with the procedures and requirements described herein.

E. Export Quantity

This Order grants Plaquemines LNG's Application in the full volume of LNG requested, equivalent to 6 Bcf of natural gas on a cumulative basis for a two-year period for exports to FTA countries and for small-scale exports to non-FTA countries.

F. Non-Additive Export Volumes

Consistent with DOE's small-scale export regulations, Plaquemines LNG may not treat the FTA and small-scale non-FTA volumes in this Order as additive to one another.

VIII. ORDER

Pursuant to section 3 of the Natural Gas Act, it is ordered that:

⁴² See, e.g., *Cameron LNG, LLC*, DOE/FE Order No. 3846, Docket No. 15-90-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from Trains 4 and 5 of the Cameron LNG Terminal to Non-Free Trade Agreement Nations, at 128-29 (July 15, 2016); *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 2913, Docket No. 10-160-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas from the Freeport LNG Terminal to Free Trade Agreement Nations, at 7-8 (Feb. 10, 2011).

A. Venture Global Plaquemines LNG, LLC (Plaquemines LNG) is authorized by DOE to export LNG previously imported from foreign sources in a volume equivalent to 6 Bcf of natural gas, pursuant to transactions that have terms of not greater than two years. Plaquemines LNG is authorized to export this LNG on its own behalf or as agent for other entities that hold title to the LNG at the time of export. The FTA and small-scale authorizations will commence on July 11, 2024, and extend through July 10, 2026.

B. This LNG may be exported by vessel from the Plaquemines LNG Terminal in Plaquemines Parish, Louisiana, to any country with the capacity to import ocean-going LNG carriers and with which trade is not prohibited by U.S. law or policy.

C. Plaquemines LNG shall ensure that all transactions authorized by this Order are permitted and lawful under U.S. laws and policies, including the rules, regulations, orders, policies, and other determinations of the Office of Foreign Assets Control of the United States Department of the Treasury and the Federal Energy Regulatory Commission. Failure to comply with these requirements could result in rescission of this authorization and/or other civil or criminal penalties.

D. Plaquemines LNG, or others for whom Plaquemines LNG acts as agent, shall include the following provision in any agreement or contract for the sale or transfer of LNG exported pursuant to this Order:

Customer or purchaser acknowledges and agrees that it will resell or transfer LNG purchased hereunder for delivery only to countries identified in Ordering Paragraph B of DOE/FECM Order No. 5143, issued July 11, 2024, in Docket No. 24-33-LNG, and/or to purchasers that have agreed in writing to limit their direct or indirect resale or transfer of such LNG to such countries. Customer or purchaser further commits to cause a report to be provided to Venture Global Plaquemines LNG, LLC that identifies the country (or countries) into which the LNG was actually delivered, and to include in any resale contract for such LNG the necessary conditions to ensure that Venture Global Plaquemines LNG, LLC is made aware of all such countries.

E. Plaquemines LNG is permitted to use its authorization in order to export previously imported LNG as agent for other entities, after registering those entities with DOE. Registration materials shall include an agreement by the Registrant to supply Plaquemines LNG with all information and copies of contracts necessary in order to permit Plaquemines LNG to register that person or entity with DOE, including: (1) the Registrant's agreement to comply with this Order and all applicable requirements of DOE's regulations at 10 C.F.R. Part 590, including but not limited to destination restrictions; (2) the exact legal name of the Registrant, state/location of incorporation/registration, primary place of doing business, and the Registrant's ownership structure, including the ultimate parent entity if the Registrant is a subsidiary or affiliate of another entity; (3) the name, title, mailing address, e-mail address, and telephone number of a corporate officer or employee of the Registrant to whom inquiries may be directed; and (4) an acknowledgement and agreement by the Registrant to include the provision in Ordering Paragraph D in any contract for the sale or transfer of LNG exported pursuant to this Order.

Any change in the registration materials—including changes in company name, contact information, length of the long-term contract, termination of the long-term contract, or other relevant modifications—shall be filed with DOE within 30 days of such change(s).

F. Plaquemines LNG shall ensure that all persons required by this Order to register with DOE have done so.

G. With respect to any change in control of the authorization holder, Plaquemines LNG must comply with DOE's Procedures for Change in Control Affecting Applications and Authorizations to Import or Export Natural Gas.⁴³

⁴³ See 79 Fed. Reg. at 65,541-42.

H. Monthly Reports: With respect to the exports authorized by this Order, Plaquemines LNG shall file with the U.S. Department of Energy, Office of Fossil Energy and Carbon Management, Office of Resource Sustainability, Office of Regulation, Analysis, and Engagement (FE-34), within 30 days following the last day of each calendar month, a report on Form FE-746R indicating whether exports of LNG have been made. Monthly reports must be filed whether or not initial deliveries have begun. If no exports have occurred, a report of “no activity” for that month must be filed. If exports have occurred, the report must provide the information specified for each applicable activity and mode of transportation, as set forth in the Guidelines for Filing Monthly Reports. These Guidelines are available at <https://www.energy.gov/fecm/guidelinesfiling-monthly-reports>.

(Approved by the Office of Management and Budget under OMB Control No. 1901-0294)

I. The first monthly report required by this Order is due not later than August 30, 2024, and should cover the reporting period from July 11, 2024, through July 31, 2024.

J. All monthly report filings on Form FE-746R shall be made to the Office of Regulation, Analysis, and Engagement according to the methods of submission listed on the Form FE-746R reporting instructions available at <https://www.energy.gov/fecm/regulation>.

Issued in Washington, D.C., on July 11, 2024.

Amy R. Sweeney
Director, Office of Regulation, Analysis, and Engagement
Office of Resource Sustainability